

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MIRIAM RIVERA

Plaintiff,

-against-

COMMISSIONER OF  
SOCIAL SECURITY

Defendant.

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**MEMORANDUM AND ORDER**

Case No. 1:19-04802-FB

Appearances:

*For the Plaintiff:*

DANIEL BERGER

1000 Grand Concourse, Suite 1A

The Bronx, New York 10451

*For the Defendant:*

BREON S. PEACE

DARA A. OLDS

United States Attorney

Eastern District of New York

271 Cadman Plaza East, 7th Floor

Brooklyn, New York 11201

**BLOCK, Senior District Judge:**

On June 25, 2021, this Court granted plaintiff Miriam Rivera's motion for judgment on the pleadings appealing the decision of the defendant Commissioner denying her disability benefits. She now moves for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. The Commissioner filed no opposition to Rivera's motion, and it is granted.

Rivera's attorney, Daniel Berger, attached an affidavit and billing records reflecting total fees of \$6,504.80, representing 31.1 hours of work performed by

attorneys at an hourly rate of \$208 per hour, and .4 hours worked by a paralegal at \$90 per hour. These rates are reasonable. There are no special circumstances in this case which would make an EAJA award unjust.

Accordingly, the motion for attorney's fees is granted, and the Commissioner is ordered to disburse \$6,504.80 to Berger.

**SO ORDERED.**

/S/ Frederic Block

FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
June 22, 2022